IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 1034 of 2005

Between:

G. Narayan Rao S/o.Venkat Rao,
Assistant Director of Agriculture (FTC),

Mahaboobnagar, Mahabubnagar District.

..... PETITIONER

AND

1. The Government of A.P. rep. by its Secretary, Agiculture and Cooperation

(Vig.I) Department
Secretariat, Hyderabad.
2. The Commissioner and Director of Agriculture, A.P.Opp,.L.B. Stadium,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or writ more in the nature of *Writ of Certiorari* and call for the records relating to the proceedings of the 1st respondent bearing G.O.Rt.No.518 Agriculture and Cooperation (Vig.I) dept., dt.17.6.2003 and also consequential orders passed in O.S.No.5439/2003 dated 7.1.2005 on the file of A.P. Administrative Tribunal, Hyderabad and set aside the same with all consequential benefits such as pay, seniority and promotion etc.

Counsel for the Petitioner: MR.B.RANGANADH RAO

Counsel for the Respondent No.: GP FOR SERVICES I

The Court made the following:

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ORAL ORDER:

The writ petition is filed, assailing the order passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.5439 of 2003, dated 07.01.2005.

2 . The petitioner was initially appointed as Assistant Agriculture Officer vide proceedings No. Estt.II(2)/10886/68, dated 07.12.1968, and thereafter, he was promoted as Assistant Director of Agriculture on 08.09.1994. While he was working at Wanaparthy, Mahaboobnagar District, five charges were framed against him, which relate to mostly the failure to exercise supervising power over the subordinate staff. The petitioner submitted his explanation on 23.06.2000 denying the charges. Further, an enquiry was conducted. The Enquiry Officer recommended for dropping of charges in view of the fact that the charges were very minor in nature. However, the Government issued memo No.18726/Vig.I(2)/2001-3, dated 29.04.2002 disagreeing with the findings of the Enquiry Officer and thereafter, the petitioner was directed to submit his explanation, and finally the Government issued G.O.(Rt.) No.518, dated 17.06.2003 imposing the punishment of stoppage of two increments with cumulative effect. Against the said order, the petitioner filed O.A.5439 of 2003 before the Tribunal. The learned Tribunal, after considering the matter, held that there are no procedural irregularities and therefore, refused to interfere with the order passed by the Government. Against the said order, the present writ petition is filed.

3. The learned counsel for the petitioner submits that the Enquiry Officer found the petitioner not guilty of the charges and therefore, the Government ought not to have disagreed with the findings of the Enquiry Officer. Further, the Government ought to have recorded disagreement in respect of each charge. But, in the instant case, the general remarks were noted by the Government without reference to each charge and therefore, the very disagreement is illegal and contrary to law. On account of the general disagreement, the petitioner is precluded from making representation, which resulted in grave injustice to the case of the petitioner. In any event, the learned counsel for the petitioner would submit that the charges relate to very minor

administrative lapses for which the minor punishment would meet the ends of justice. But, in this case, the major punishment was awarded with holding two increments with cumulative effect, thus, the matter is liable to be set aside and the Tribunal has not taken into consideration all these aspects, while dealing with the matter.

4. The learned Government Pleader for Services II submits that in respect of first charge, the Enquiry Officer held that the petitioner failed to exercise proper supervision. However, he recommended droppage of the charge. Even in respect of the second charge also, the Enquiry Officer held that the petitioner ought to have submitted all accounts. In respect of the charges 3 to 5, the charges were not proved. So, the Enquiry Officer held that the charges may be dropped.

5. The question that falls for consideration is whether the punishment as imposed by the Government is sustainable under law.

6. Admittedly, five charges were framed. Out of five charges, the charges 3, 4 and 5 were not held proved. Even in respect of the charge No.2, the Enquiry Officer held that there were administrative lapses and there is no dereliction of duties and accordingly he recommended for dropping of the charges. However, the Government recorded a general disagreement without there being any specific reason having been recorded in respect of each charge. Though it is open for the Government to disagree with the findings of the Enquiry Officer, the Government is bound to record the reasons for disagreement in respect of each charge and that procedure has not been followed in this case. With that result it can be said that the petitioner was put to disadvantageous position in submitting the explanation.

7. Be that as it may, even dehorse the disagreement of the Government, the Enquiry Officer found that there was an administrative lapse on part of the petitioner. In such event, we find that imposition of major penalty is wholly uncalled for and unwarranted. Accordingly, the order of punishment insofar as it relates to cumulative effect is set aside. The imposition of punishment of deferment of increment for two

years without cumulative effect will meet the ends of justice.

8. Accordingly, the order of Tribunal is set aside and the imposition of punishment is modified. The writ petition is disposed of with the above observation. No costs.

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(G. BIKSHAPATHY)

Date: 21.02.2005

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(P.S. NARAYANA, J)

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary, Government of A.P.

Agriculture and Cooperation (Vig. I) Department
Secretariat, Hyderabad.

2. The Commissioner and Director of Agriculture, A.P.

Opposite to L.B. Stadium,

Hyderabad.

3. Two C. Cs to G.P. for Services I, High Court Buildings, Hyderabad (OUT).

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